



New South Wales

State Environmental Planning Policy (Major Infrastructure Corridors) 2020

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

Contents

	Page
1 Name of Policy	3
2 Commencement	3
3 Aims of Policy	3
4 Definitions	3
5 Land to which Policy applies	4
6 Relationship with other environmental planning instruments	4
7 Maps	4
8 Zone SP2 Infrastructure	4
9 Development in future infrastructure corridor for previously permitted uses of land	5
10 Subdivision of land prohibited	6
11 Excavation in, above, below or adjacent to future infrastructure corridors	6
12 Acquisition of land zoned under this Policy	7

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Infrastructure Corridors) 2020*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Aims of Policy

The aims of this Policy are as follows—

- (a) to identify land that is intended to be used in the future as an infrastructure corridor,
- (b) to establish appropriate planning controls for the land for the following purposes—
 - (i) to allow the ongoing use and development of the land until it is needed for the future infrastructure corridor,
 - (ii) to protect the land from development that would adversely impact on or prevent the land from being used as an infrastructure corridor in the future.

4 Definitions

- (1) A word or expression used in this Policy has the same meaning as it has in the Standard Instrument unless it is otherwise defined in this Policy.
- (2) In this Policy—

capital investment value has the same meaning as in *State Environmental Planning Policy (State and Regional Development) 2011*.

future infrastructure corridor means land shown as within Zone SP2 Infrastructure on the Future Infrastructure Corridor Map.

Future Infrastructure Corridor Map means the State Environmental Planning Policy (Major Infrastructure Corridors) 2020—Future Infrastructure Corridor Map.

Standard Instrument means the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

the Act means the *Environmental Planning and Assessment Act 1979*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Policy.
- (3) Notes included in this Policy do not form part of this Policy.

5 Land to which Policy applies

This Policy applies to all land within a future infrastructure corridor and the adjacent land referred to in clause 11(1)(b)–(d).

6 Relationship with other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

7 Maps

- (1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name—
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the person making the instrument when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.

8 Zone SP2 Infrastructure

(1) Objectives of zone

The objectives of Zone SP2 Infrastructure are as follows—

- (a) to provide for infrastructure and related uses,
- (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure.

(2) Permitted without consent

Development for any of the following purposes is permitted without development consent on land within Zone SP2 Infrastructure—

Nil

(3) Permitted with consent

Development for any of the following purposes is permitted only with development consent on land within Zone SP2 Infrastructure—

The purpose shown on the Future Infrastructure Corridor Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads

(4) Prohibited

Development for any of the following purposes is prohibited on land within Zone SP2 Infrastructure—

Any development not specified in subclause (2) or (3)

(5) **Miscellaneous**

For the purposes of this clause—

- (a) land is within Zone SP2 Infrastructure if the land is shown on the Future Infrastructure Corridor Map as being within that zone, and
- (b) the consent authority must have regard to the objectives for development in that zone when determining a development application in respect of land within the zone, and
- (c) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
- (d) a reference to a type of building or other thing does not include (despite any definition in this Policy or the Standard Instrument) a reference to a type of building or other thing referred to separately in the clause.

(6) **National parks and other reserved land**

Despite subclauses (2)–(4), if land within Zone SP2 Infrastructure is land reserved under the *National Parks and Wildlife Act 1974*—

- (a) development for uses authorised under that Act is permitted without consent, and
- (b) no development is permitted with consent, and
- (c) any development not specified in paragraphs (a) or (b) is prohibited.

(7) This clause is subject to the other provisions of this Policy.

9 Development in future infrastructure corridor for previously permitted uses of land

(1) Despite clause 8, development may be carried out with development consent on land within a future infrastructure corridor, but only if—

- (a) the development is of a kind that could be carried out on the land under an applicable environmental planning instrument immediately before the land was included within a future infrastructure corridor, and
- (b) where the proposed development has a capital investment value of more than \$200,000—Transport for NSW grants concurrence to the proposed development, and
- (c) the development is consistent with the aims of this Policy.

(2) Before determining a development application (or an application for modification of a consent) for development to which subclause (1)(b) applies, the consent authority must—

- (a) within 7 days after the application is made, give written notice of the application to Transport for NSW, and
- (b) take into consideration—
 - (i) any response to the notice that is received within 21 days after the notice is given, and
 - (ii) any guidelines issued by the Planning Secretary for the purposes of this clause and published in the Gazette.

(3) In deciding whether to grant concurrence to proposed development under this clause, Transport for NSW must take the following matters into consideration—

- (a) the need to carry out the proposed development on the land,
- (b) the timing of carrying out the proposed development and the proposed timing for constructing infrastructure in the future infrastructure corridor,

- (c) the likely additional cost of constructing infrastructure in the future infrastructure corridor resulting from the carrying out of the proposed development.
- (4) Despite subclause (1)(b), the consent authority may grant consent to development to which that subclause applies without the concurrence of Transport for NSW if 21 days have passed since the consent authority gave notice under subclause (2)(a) and Transport for NSW has not granted or refused to grant concurrence.

10 Subdivision of land prohibited

- (1) The subdivision of land within a future infrastructure corridor is prohibited.
- (2) Despite subclause (1), a subdivision for the purpose of a realignment of boundaries that does not create or include any additional lot (or part lot) within a future infrastructure corridor is permitted with development consent.

11 Excavation in, above, below or adjacent to future infrastructure corridors

- (1) This clause applies to development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land—
 - (a) within, below or above a future infrastructure corridor, or
 - (b) within 25 metres (measured horizontally) of a future infrastructure corridor, or
 - (c) within 25 metres (measured horizontally) of the ground directly below a future infrastructure corridor, or
 - (d) within 25 metres (measured horizontally) of the ground directly above an underground future infrastructure corridor.
- (2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—
 - (a) within 7 days after the application is made, give written notice of the application to Transport for NSW, and
 - (b) take into consideration—
 - (i) any response to the notice that is received within 21 days after the notice is given, and
 - (ii) any guidelines issued by the Planning Secretary for the purposes of this clause and published in the Gazette.
- (3) The consent authority must not grant consent to development to which this clause applies without the concurrence of Transport for NSW.
- (4) In deciding whether to provide concurrence, Transport for NSW must take into account—
 - (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—
 - (i) the safety or structural integrity of existing or proposed infrastructure in the future infrastructure corridor, and
 - (ii) the safe and effective operation of existing or proposed future infrastructure in the future infrastructure corridor, and
 - (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.
- (5) Despite subclause (3), the consent authority may grant consent to development to which this clause applies without the concurrence of Transport for NSW if 21 days have passed since the consent authority gave notice under subclause (2)(a) and Transport for NSW has not granted or refused to grant concurrence.

12 Acquisition of land zoned under this Policy

The authority of the State that will be the relevant authority to acquire any land within a future infrastructure corridor, if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*, is Transport for NSW.